

REMARKS

The foregoing amendments to the specification and to the claims of this application provide compliance with the allowable claim set as suggested by Supervisory Patent Examiner Amy Nelson on November 7, 2003.

Applicants respectfully submit as shown in the amendments to the specification and to the claims, these corrections are needed for proper disclosure and protection of the invention and require no substantial amount of additional work on the part of the PTO. Applicants herein submit the Summary of the Invention section, Deposits section and claims have been amended in order to properly include the ATCC Accession Numbers of the hybrid X1069G and the inbred parents GE535769 and GE515721. The changes do not add new matter as there is literal support for the minor changes on page 7 in the originally filed specification. The Applicants provide assurance that:

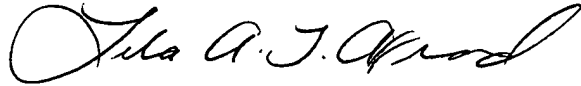
- a) during the pendency of this application access to the invention will be afforded to the Commissioner upon request;
- b) all restrictions upon availability to the public will be irrevocably removed upon granting of the patent;
- c) the deposit will be maintained in a public depository for a period of thirty years, or five years after the last request for the enforceable life of the patent, whichever is longer;
- d) a test of the viability of the biological material at the time of deposit will be conducted (see 37 C.F.R. § 1.807); and
- e) the deposit will be replaced if it should ever become inviable.

Therefore, Applicants submit at least 2500 seeds of hybrid maize plant X1069G and the inbred parents GE535769 and GE515721 have been deposited with the ATCC. Copies of the ATCC deposit receipts are included in this 37 C.F.R. § 1.312 Amendment After Allowance. In addition, Applicants submit that 35Y65 is the variety name for X1069G therefore the ATCC deposit receipts are correct and do not add new matter. Applicants respectfully request consideration of the aforementioned remarks.

Furthermore, the Applicants submit the issue fee is being paid separately in the subsequent week.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lila A. T. Akrad". The signature is fluid and cursive, with the first name "Lila" being the most prominent.

LILA A. T. AKRAD, Reg. No. 52,550
McKEE, VOORHEES & SEASE, P.L.C.
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721
Phone No: (515) 288-3667
Fax No: (515) 288-1338
CUSTOMER NO: 27142

Attorneys of Record

- pw -



ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

OCT 06 2003

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International, Inc.
Attn: Steve Callistein
7100 NW 62nd Avenue
P.O. Box 1000
Johnston, IA 50131-1000

DOCKETED

OCT 08 2003

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

September 10, 2003

Scientific Description

Depositor's Reference

Patent Deposit Designation

Hybrid corn (maize) seed

35Y65

PTA-5474

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

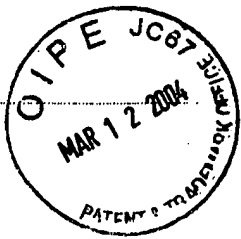
We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested September 15, 2003 and were viable.

American Type Culture Collection

By Marie Harris
Marie Harris, Patent Specialist
ATCC Patent Depository

Date: October 2, 2003



ATCC

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Pioneer Hi-Bred International, Inc.
Attn: Steve Callistein
7100 NW 62nd Avenue
P.O. Box 1000
Johnston, IA 50131-1000

DOCKETED

OCT 08 2003

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

September 15, 2003

Scientific Description

Depositor's Reference

Patent Deposit Designation

Inbred corn (maize) seed

GE535769

PTA-5522

The ATCC understands that:

1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer.

We will inform you of requests for the seeds for 30 years from date of deposit.

The seeds were tested September 22, 2003 and were viable.

American Type Culture Collection

By Marte Harris
Marte Harris, Patent Specialist
ATCC Patent Depository

Date: October 2, 2003



ATCC

10801 University Blvd • Manassas, VA 20110-2209 • Telephone: 703-365-2700 • FAX: 703-365-2745

The American Type Culture Collection (ATCC) has received your deposit of seeds in connection with the filing of an application for patent. The following information is provided to fulfill Patent Office requirements.

Name and Address of Depositor:

Pioneer Hi-Bred International, Inc.
Attn: Jean M. Bromert
7100 N.W. 62nd Avenue, P.O. Box 1000
Johnston, IA 50131-1000

Deposited on Behalf of:

Pioneer Hi-Bred International, Inc.

Date of Receipt of Seeds by the ATCC:

February 4, 2000

Scientific Description

Depositor's Reference

Patent Deposit Designation

Inbred corn (maize) seed

Source: UT983KP MF, GE515721

PTA-1306

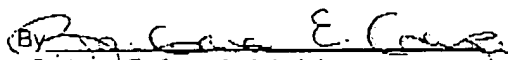
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1. The deposit of these seeds does not grant ATCC a license, either express or implied, to infringe the patent, and our release of these seeds to others does not grant them a license, either express or implied, to infringe the patent.
2. If these seeds should die or be destroyed during the effective term of the patent, it shall be your responsibility to replace them with living seeds of the same type. It is also your responsibility to supply a sufficient quantity for distribution for the deposit term.

Prior to the issuance of a U.S. Patent, the ATCC agrees in consideration for a one-time service charge, not to distribute these seeds or any information relating thereto or to their deposit except as instructed by the depositor or relevant patent office. After a relevant patent issues, and we are instructed to release the seeds, they will be made available for distribution to the public without any restrictions.

The ATCC agrees to maintain the seeds for a period of 30 years from deposit date, or 5 years after the most recent request for a sample, whichever is longer. We will inform you of requests for the seeds for 30 years from date of deposit. The seeds were tested February 11, 2000 and were viable.

American Type Culture Collection

By 
Barbara E. Coupé, Administrator
ATCC Patent Depository

Date: February 11, 2000